

PROPOSITION 113

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1001 A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO THE RIGHT TO VOTE A SECRET BALLOT REGARDING EMPLOYEE REPRESENTATION.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article II, Constitution of Arizona, is proposed to be amended by adding section 36 as follows if approved by the voters and on proclamation of the Governor:

36. Right to secret ballot: employee representation

SECTION 36. THE RIGHT TO VOTE BY SECRET BALLOT FOR EMPLOYEE REPRESENTATION IS FUNDAMENTAL AND SHALL BE GUARANTEED WHERE LOCAL, STATE OR FEDERAL LAW PERMITS OR REQUIRES ELECTIONS, DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 113 would amend the Arizona Constitution to guarantee the fundamental right to vote by secret ballot when a local, state or federal law permits or requires an election, designation or authorization for employee representation.

ARGUMENTS "FOR" PROPOSITION 113

Argument in Favor of Proposition 113

Dear Arizona Taxpayer,

In America, for all elections that are mandated by government, voting by secret ballot is supposed to be a guaranteed constitutional right.

Unfortunately, radical progressives in Congress are trying to tilt the playing field in favor of labor union bosses, who are their biggest political allies. They have introduced the so-called "Employee Free Choice Act" (aka Card Check), to deny working Americans the right to a secret ballot in union elections.

If Congress takes away secret ballot elections for employee representation, ordinary workers would be subject to an increase in intimidation tactics by labor unions. Union bosses and organizers would be able to visit employees at the workplace and at their homes and pressure them to publicly accept union representation.

The economic result of losing the secret union ballot would be to impose an increase in labor costs on small businesses. Decent wages and pay raises come from greater productivity, not from government-backed union coercion. Because the union-government racket does nothing to increase productivity, it can only give some workers higher wages by putting other workers in the unemployment line.

Please read the text of Proposition 113—it's very short, and very important.

By voting YES on Proposition 113, Arizona citizens will enshrine our right to a secret ballot in the Arizona Constitution. We will thus create a judicial obstacle to the efforts of the radicals in Congress, and we will put those radicals on notice that Arizonans support worker freedom.

For more ideas on enhancing freedom and protecting free enterprise, contact the Arizona chapter of Americans for Prosperity, at www.aztaxpayers.org, (602) 478-0146, or tomjenney@cox.net.

Tom Jenney, Arizona Director, Americans for Prosperity, Phoenix

Farm Bureau Supports a "Yes" Vote on Proposition 113

Arguments against the secret ballot can be spun all day, but there is no denying the potential for mischief to coercion if we are to move away from it. The secret ballot should be sacrosanct.

Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert

Paid for by AG-PAC of Arizona Farm Bureau

James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert

Protect Your Right to a Secret Ballot

The right to vote a secret ballot is a fundamental freedom guaranteed all Americans. Unfortunately, certain special interests are spending millions of dollars in an effort to strip Americans of this right.

Proposition 113 simply guarantees that all Arizonans will be able to vote a secret ballot in any union election. This measure represents the foundation of American democracy and is a direct reaction to attempts at the federal level to pass so-called 'card-check' legislation that would undermine that fundamental freedom.

A secret ballot ensures that Arizonans can safely and freely vote for the representative of their choosing without intimidation. It is imperative that we protect this basic freedom and the voice of the individual citizen. With this constitutional amendment in place, voters will not fear retaliation for casting their vote one way or another, thereby encouraging more Arizonans to exercise this basic freedom.

It is for these reasons that we urge you to VOTE YES on Proposition 113.

Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix

Paid for by Arizona Chamber of Commerce & Industry

Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix

For more than a half-century, elections in the workplace have ensured voting without fear of intimidation and retribution. The secret ballot has guaranteed that the voter's decision is his or hers alone, and that no one is forced to cast a ballot with which he or she disagrees.

Citizens throughout the world envy our ability to choose our political, professional and employment representation without oversight by those with vested interests. Now Congress, at the behest of Big Labor, is seeking to undo this tried and true tradition. Voter intimidation is wrong, whether it comes from a union boss or an employee's boss. With a secret ballot, you're the boss. That's why it is important that this privilege is underscored through this constitutional amendment to guarantee Arizona's employees the right to a secret ballot in the workplace.

We urge you to vote "Yes" on the proposition.

Mary Ann Miller, President & CEO, Tempe Chamber of Commerce, Tempe	Steven Bauer, Chairman, Tempe Chamber of Commerce, Tempe	Glenn Hamer, President & CEO, Arizona Chamber of Commerce & Industry, Phoenix	Stephen Macias, Chairman, Arizona Manufacturers Council, Arizona Chamber of Commerce & Industry, Phoenix
Mya Beckley, Chairman, Prescott Chamber of Commerce, Prescott	David C. Maurer, CEO, Prescott Chamber of Commerce, Prescott	Garold L. Clark, Chairman, Tucson Metropolitan Chamber of Commerce, Tucson	John C. Camper, President, Tucson Metropolitan Chamber of Commerce, Tucson
Marnie L. Uhl, President & CEO, Prescott Valley Chamber of Commerce, Prescott Valley	Chris Kuknyo, Chairman, Prescott Valley Chamber of Commerce, Prescott Valley	Todd Sanders, President & CEO, Greater Phoenix Chamber of Commerce, Phoenix	Steve Wheeler, Chairman of the Board, Greater Phoenix Chamber of Commerce, Phoenix
Connie Wilhelm, President & CEO, Home Builders Association of Central Arizona, Scottsdale	Tom Davis, Chairman of the Board, Home Builders Association of Central Arizona, Scottsdale	Jim Vogt, Chairman, Glendale Chamber of Commerce, Glendale	Don Rinehart, President, Glendale Chamber of Commerce, Glendale
Julie Pastrick, President & CEO, Flagstaff Chamber of Commerce, Flagstaff	Gary Seley, Chairman, Flagstaff Chamber of Commerce, Flagstaff	Robert M. Childs, President, Green Valley Sahuarita Chamber of Commerce, Green Valley	Jim DiGiacomo, Executive Director, Green Valley Sahuarita Chamber of Commerce, Green Valley
Nathan Schaus, Board Member, Buckeye Valley Chamber of Commerce, Buckeye	Mike Nalker, Board Member, Buckeye Valley Chamber of Commerce, Buckeye	Terri Kimble, President & CEO, East Valley Chambers of Commerce Alliance; President & CEO, Ahwatukee Foothills Chamber of Commerce, Phoenix	Charles Thompson, Chairman, East Valley Chambers of Commerce Alliance, Phoenix
Kathryn Miller, Chair, Apache Junction Chamber of Commerce, Apache Junction	Dan Creed, Chairman, Board of Directors, Ahwatukee Foothills Chamber of Commerce, Phoenix	Charlie Deaton, President & CEO, Mesa Chamber of Commerce, Mesa	Tom Rhodes, Chairman of the Board, Mesa Chamber of Commerce, Mesa
JW Rayhons, Chairman, Gilbert Chamber of Commerce, Gilbert	Larry Johnson, CEO, Apache Junction Chamber of Commerce, Apache Junction	Chris Clark, Board Member, Queen Creek Chamber of Commerce, Queen Creek	Monica O'Toole, Board Member, Queen Creek Chamber of Commerce, Queen Creek
Kathlene A. Tilque, President & CEO, Gilbert Chamber of Commerce, Gilbert	Jaime Natividad, Board Chair, Chandler Chamber of Commerce, Chandler	Angela Creedon, Vice-Chair, Chandler Chamber of Commerce, Chandler	

Paid for by Tempe Chamber of Commerce

The Arizona Tourism Alliance urges Arizona voters to vote YES on Proposition 113.

The principle of voting in private by secret ballot has a long and cherished history in America. It has been employed to protect both the will of the majority and rights of the minority.

We have always employed the secret ballot in our federal, state and local elections giving the voters the privacy to make their own personal decisions without concern about any type of retribution or backlash from those who might disagree with their decision.

It was employed after the civil war to protect voting rights of recently emancipated slaves and has been a hallmark of protecting our civil rights ever since.

Proposition 113 will not make unionization any more difficult than it is now. Nothing in this proposal is taking away any rights or privileges that would allow employees to properly select union representation. In fact it preserves the process that is in place presently and has been in place for many decades.

Rather it will protect employees from any undue pressure, whether real or perceived, that may be applied in the unionization decision-making process. And likewise it will protect employers from unionization through intimidation – something that could add unnecessary expense to the cost of doing business and actually result in loss of jobs in the future. A secret ballot protects everyone and provides a level playing field with the same opportunity for communication by all.

The process for determining whether to establish a union in Arizona has a long and established history. This process is certainly not broken, nor does it require preventative maintenance. If it isn't broken, we certainly don't need it "fixed".

Let's preserve our rights and maintain the workable existing unionization process by voting YES on Proposition 113.

Jos Anshell, Secretary, Arizona Tourism Alliance, Phoenix

Deborah Johnson, President & CEO, Arizona Tourism Alliance, Phoenix

Paid for by Arizona Tourism Alliance

Currently, the election process to organize a workplace is guaranteed by federal law and administered by the National Labor Relations Board. It ensures that neither a union nor an employer may coerce, harass or restrain employees in exercising their right to choose whether or not to support the union. Each employee's choice is made in the privacy of a voting booth, with neither the employer nor the union knowing how any individual voted.

However, there are increasing efforts by organized labor to force union recognition on small businesses outside of the protected secret ballot process. The use of so-called 'card-check agreements' has become a critical component of Big Labor's organizing strategy, since unions have struggled for years to win private-sector workplace elections.

Prop. 113 will help ensure Arizona's proud Right-to-Work traditions are honored while protecting the fundamental voting rights of our citizens and workers. The National Federation of Independent Business believes Prop. 113 will provide our essential and beleaguered engines of job creation, our small businesses, the constitutional support needed to stop at our state's borders the deceptively titled Employee Free Choice Act (EFCA) or other backdoor efforts to impose 'card check' on Arizona.

Arizona small business owners strongly support passage of Prop. 113. A July survey of NFIB/Arizona's 7,500 members found 83 percent in favor of the Save Our Secret Ballot proposition against less than 10 percent opposing it.

Congressional efforts like 'card check' are an assault on free enterprise with the potential to permanently cripple Arizona's economy. Prop. 113's protections will be a valuable shield for workers to defend against federal rules mandating that employers succumb to forced unionization without first holding a secret-ballot employee election.

Small business urges Arizonans to vote "YES" on Prop. 113 to Save Our Secret Ballot

Farrell Quinlan, State Director, National Federation of Independent Business – Arizona, Phoenix

Michael A. Crowe, Chairman, Leadership Council, National Federation of Independent Business – Arizona, Mesa

Paid for by National Federation of Independent Business - Arizona

ARGUMENTS “AGAINST” PROPOSITION 113

Arizonans deserve to vote on ballot measures that are straightforward and honest about what they do. Unfortunately, Proposition 113 is yet another deceptive ballot measure that claims to uphold our Arizonan values of freedom and fairness while actually selling them out. The corporate CEOs who back this proposition want to keep in place a system that puts employees at the bottom and silences your voice at work. Vote NO on Proposition 113, and keep Arizona free and fair.

Arizonans deserve real input into the issues facing their state, like how we will bring good jobs and quality education back to Arizona. Instead, Republican leadership sent to voters the misleading and meaningless Proposition 113. This proposition would have almost no effect on the vast majority of Arizonans. Rather, this attack on your protected rights at work would put the State of Arizona head on with a lawsuit that will cost taxpayer money. By saying NO to Proposition 113, we can save our limited resources for important things like more teachers and police officers. We'll also say NO to more deceptive, anti-worker ballot measures like Proposition 113.

Arizonans deserve ballot measures that ask us to decide on real issues—not just play a role in a corporate group's publicity stunt. The backers of this ballot measure even admit that it would have little real effect in Arizona, but would use this vote to promote some national agenda of theirs. Proposition 113 is simply a publicity stunt at taxpayer expense that has no place in our democracy. Vote NO on Proposition 113, and keep Arizona free and fair.

Martin Murphy, President, Arizona AFL-CIO, Phoenix

Rebekah Friend, Secretary & Treasurer, Arizona AFL-CIO, Phoenix

Paid for by Arizona AFL CIO

I urge Arizona Voters to vote NO on Proposition 113.

Proposition 113 is a huge hoax on Arizona voters that will waste our tax dollars to benefit out-of-state Corporate CEOs. It does not benefit our state, or our economy.

This proposition is being pushed by a corporate front group to promote their national agenda. This group is taking advantage of Arizona's referendum process for their political purposes.

The inevitable legal challenges, to this clearly unconstitutional referendum, will cost Arizona taxpayers considerable amounts of tax dollars at a time of limited resources. We need to be working on fixing our schools and bringing jobs to our state.

These same people have spent millions attacking our good public schools and tearing up the safety net that supports Arizona families during times of economic hardship.

Why are Corporate CEOs attacking your ability to make your voice heard at work? They want to make it harder for you to bargain for job security, safe working conditions, and decent wages.

Do not let out-of-state corporate bosses waste our tax dollars and drag Arizona into their political schemes. Protect your rights, VOTE NO on PROPOSITION 113.

Roman W. Ulman, Retiree, Mesa

Prop 113 is an anti-employee ballot measure that would limit workers' rights and their ability to organize a collective voice by forming a union. Arizona workers should be able to decide if they want to form a union. This decision should be theirs alone and not their employers'.

The Arizona Education Association requests that you vote NO on Prop 113.

Arizona workers deserve a fair opportunity to determine whether or not to organize together. They have a right to make this decision free of employer harassment, delay, and other unfair tactics commonly practiced.

Do not be fooled by the deceptive title of this proposition. Under current federal law, an employer can choose to request a secret ballot election by the workers, even if more than 50 percent of the workers request union representation. The employer also can choose to accept the union as the workers' representative without the time and expense of an election.

Prop 113 would require an election, even if 100 percent of the workers request union representation. Prop 113 would require an election by workers even if the employer agrees that no election is needed. Requiring an election under these circumstances is an unnecessary waste of time and money for both business and employees.

Arizonans can defeat Prop 113 and still use a secret ballot. Secret ballot elections are often part of the current process for forming a union; however, this election process can be manipulated by the employer, who may fire, intimidate, or otherwise unfairly treat workers in order to influence the outcome of an election.

On behalf of 31,000 public school teachers and employees across the state, the AEA asks you to vote NO on Prop 113.

Andrew Morrill, President, Arizona Education Association, Phoenix

**Joe Thomas, Vice President
Arizona Education Association, Phoenix**

Paid for by AEA Education Improvement Fund

Proposition 113 is misleading and should be rejected by voters. Union and nonunion workers should be offended by the selfish interests of the Arizona State Legislature, “returning the favor” to their corporate sponsors by producing this ill-conceived referendum. Despite media interpretations, Arizona workers already have the freedom to choose whether or not they want to join a Union. In fact, proposed legislation in Washington will not strip the decision for a secret ballot election to form a Union. Currently, it is the employer who makes the decision, and creates the roadblocks, to hold that election. If passed, the proposed Washington legislation would put the decision to hold a secret ballot election into the hands of the workers. Contrasting those employers and associations who would be affected by this state referendum, the number of employers who are signatory with the IBEW in Arizona is getting larger. These are the employers who should be praised by our State Representatives for their corporate citizenship. These employers not only pay fair wages for a fair day's work, but they provide paid family medical benefits, retirement security, and spend, as an industry, over \$1,000,000 of private investment, every year, providing training to their workforce. You will not find these provisions with any non-union employer or association. Construction Trade Unions, in particular, not only represent the workers, but we bring overall value to the customer by working with our employer partners on improving construction efficiency and training for new innovations in technology. So, in comparison, we have a union represented industry providing value and solutions to a growing and evolving construction market; and State Legislators, with all the power and money, having nothing to contribute except for calling the union representatives “thugs”... Really?? Did they remove all the mirrors in their personal lives?

Shawn Hutchinson, Peoria

Statement Against Proposition 113 (“Secret Ballot” for Worker Representation)

Protect your rights in the workplace by voting against Proposition 113. Working Arizonans know that Prop 113 is a misleading ballot initiative that would make it harder for workers to exercise their right to organize. The so called “secret ballot” proposition makes union elections less fair and allows unscrupulous employers to interrogate and threaten workers. Now more than ever, we need to ensure that all of Arizona’s workers have the right to earn a living wage and have safe working conditions. Allowing workers the right to organize helps all of Arizona’s workers by setting higher prevailing wages and workplace standards. Take a stand for fair organizing practices and vote NO on Proposition 113.

Ann Wallack, Chair, Maricopa County Democratic Party, Phoenix

Paid for by Maricopa County Democratic Party

Arizona Voters Should Say No to Proposition 113

The people of Arizona deserve a free and fair choice to form a union at their workplace. Proposition 113, however, attempts to silence the voices of working Arizonans and puts the interests of employees at the bottom. Vote NO on Proposition 113, and keep Arizona free and fair.

During this recession, Arizonans need the job security, affordable healthcare and better wages that union jobs can provide. Proposition 113 attacks your economic security by locking in place a system that benefits employers and hurts working Arizonans. For nearly fifty years, Congress has failed to fix our broken federal labor law, and now corporate CEOs want to make things even worse. This would ban majority sign-up, a fair and democratic way to form a union that has been used across the United States for decades. Vote NO on Proposition 113, and keep Arizona free and fair.

In a truly democratic election, both sides should be able to air their views and voters should be free of coercion. But under these so-called “secret ballot elections” mandated by Proposition 113, employers have the ability to delay voting for months and months, giving them more opportunities to intimidate employees and silence union supporters. No worker has a free and fair choice when management has threatened to close the workplace or cut wages if the union wins. Vote NO on Proposition 113, and tell corporate CEOs that Arizonans want and deserve a free and fair choice to form a union at their workplace.

Linda Hatfield, Chair, Pima Area Labor Federation, Tucson

David Garcia, Vice Chair, Pima Area Labor Federation, Tucson

Paid for by Pima Area Labor Federation, AFL-CIO

Say NO to Deceptive Ballot Measures. Say NO to Special Interest Legislation. Vote NO on Prop 113.

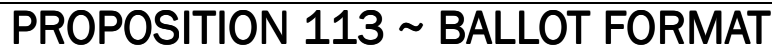
Proposition 113 is another effort by the legislature to deceive voters into enacting a constitutional change that serves big-spending lobbyists and their clients, not the people of Arizona. Cloaked in a phony argument that secret ballot elections are under attack, this constitutional amendment would perpetuate the current system that allows management to repeatedly delay union elections while they intimidate the workers and would forever bar workers from choosing any other method of forming a union. Not satisfied with no-strings-attached bailouts and unending special interest legislation that allow their clients to avoid paying taxes, the big-money lobbyists want the voters to stack the deck further in favor of big money clients. They court our legislators, wining and dining them in exclusive sky-boxes at prestigious sporting events. Is it any wonder the legislature is only too happy to place deceptive special interest legislation like this on the ballot?

If the backers of this measure think the voters should support Prop 113, they should have gone to the trouble and expense of securing voters’ signatures for a citizens’ initiative. Instead, our legislators bowed to national interest groups who are promoting this measure across the country and chose to save them hundreds of thousands of dollars by referring this measure directly to the ballot. They even cost Arizonans the thousands of dollars necessary for a special legislative session to put it on the ballot. Workers should have the freedom to choose if they want to organize and how they want to organize. We do not need a constitutional amendment barring all but one method of organizing – the kind special interests like to manipulate. We urge voters to reject Prop 113.

Michael J. Valder, President, Arizona Advocacy Network, Phoenix

Eric Ehst, Treasurer, Arizona Advocacy Network, Phoenix

Paid for by Arizona Advocacy Network

NO ☐